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*Additional Counsel on Signature Page*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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INDIANA PUBLIC RETIREMENT SYSTEM, *et al.*,

Plaintiffs,

v.

PLURALSIGHT, INC. *et al.*,

Defendants.

**LEAD PLAINTIFFS' MOTION  
FOR LEAVE TO FILE  
DOCUMENTS UNDER SEAL**

Case No. 1:19-cv-00128

District Judge David Barlow

Magistrate Judge Daphne A. Oberg

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Lead Plaintiffs move for leave to file the following documents filed in connection with their Short-Form Discovery Motion to Compel Defendants to Produce Audit-Related Documents (ECF No. 225):

- Exhibit G (ECF No. 225-8), a document produced by nonparty Ernst & Young LLP (“EY”) that EY designated as confidential under the Modified Standard Protective Order, ECF No. 183. This document is a record of EY’s audits of Pluralsight, Inc. and consists of information that likely qualifies as confidential client information under standards of professional conduct applicable to accountants and auditors.<sup>1</sup> It also reflects information about an SEC investigation for which the subjects of the investigation requested confidential and nonpublic treatment. As this information was produced by a nonparty, Lead

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<sup>1</sup> See, e.g., AICPA, Code of Professional Conduct and Bylaws, Section 301, *Confidential Client Information*, available at <https://us.aicpa.org/content/dam/aicpa/research/standards/codeofconduct/downloadabledocuments/2013june1codeofprofessionalconduct.pdf>.

Plaintiffs request that this Exhibit, and the documents below that include excerpts of this Exhibit, be sealed without any additional filing by the nonparty.

- Exhibit I (ECF No. 225-10), a letter from Lead Plaintiffs' counsel to Defendants' counsel, dated June 23, 2023, that includes excerpts and descriptions of Exhibit G. A redacted version of Exhibit I has been filed in conjunction with this motion.
- Exhibit K (ECF No. 225-12), a document produced by Defendants that Defendants have designated as confidential under the Modified Standard Protective Order, ECF No. 183.
- Exhibit L (ECF No. 225-13), a letter from Lead Plaintiffs' counsel to Defendants' counsel, dated July 3, 2023, that includes excerpts and descriptions of Exhibit G (at 9 & n.7) and other documents (at 10) designated by Defendants as confidential under the Modified Standard Protective Order, ECF No. 183. A redacted version of Exhibit L has been filed in conjunction with this motion.
- The Declaration of Jan Messerschmidt in Support of Lead Plaintiffs' Short-Form Motion to Compel Defendants to Produce Audit Related Documents (ECF No. 225-1), which includes excerpts and descriptions of Exhibits G, I, K, and L. A redacted version of the Declaration has been filed in conjunction with this motion.

Dated: September 18, 2023

By /s/ Carol V. Gilden

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**CERTIFICATE OF SERVICE**

I certify that on September 18, 2023, I caused a copy of the foregoing motion to be delivered via email, pursuant to the parties' mutual agreement to accept service via email in accordance with Fed. R. Civ. P. 5(b)(2)(F), to all counsel of record in this Action.

/s/ Jan E. Messerschmidt  
Jan E. Messerschmidt